

SUSMAN GODFREY L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
SUITE 3000
401 UNION STREET
SEATTLE, WASHINGTON 98101-3000
(206) 516-3880
FAX (206) 516-3883
WWW.SUSMANGODFREY.COM

SUITE 5100
1000 LOUISIANA STREET
HOUSTON, TEXAS 77002-5096
(713) 651-9366

SUITE 1400
1900 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-6029
(310) 789-3100

32ND FLOOR
1301 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6023
(212) 336-8330

ALEX AIKEN
DIRECT DIAL (206) 505-3813

E-MAIL AAIKEN@SUSMANGODFREY.COM

February 16, 2024

Via ECF

Hon. Sarah L. Cave
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Bernstein, et al. v. Cengage Learning, Inc.*, Case No. 1:19-cv-07541-ALC-SLC

Dear Magistrate Judge Cave:

Pursuant to the Court's order on February 2, 2024, Dkt. No. 295, the parties write to update the Court that, following the parties' letter of the same date, the parties continued settlement discussions but were unable to reach agreement. The parties are meeting and conferring concerning the form and manner of class notice. Plaintiffs will file a motion for approval of the form and manner of class notice by February 28, 2024. To the extent Cengage opposes Plaintiffs' motion in any respect, the parties will propose a briefing schedule.

Respectfully submitted,



Alexander W. Aiken

Cc: All counsel of record